

REMARKS

The indication that claims 9 - 11 are allowed, and that claims 12 - 14 are objected to in the advisory action dated August 15, 2007, is acknowledged.

By the present amendment, objected to claim 12 has been written in independent form incorporating the features of previous parent claim 8 therein such that applicants submit that claim 12 and dependent claims 13 and 14 which depend directly or indirectly from claim 12 should now be in condition for allowance.

Further, by the present amendment, independent claim 8 has been amended to more clearly delimit the region in which the plurality of thin film electrodes are provided. While the Examiner in the Advisory Action contends there is no exact definition of "between" in the specification, and the Examiner indicates that The American Heritage College Dictionary defines "between" as "in or through a position or interval separating", applicants submit that such dictionary definition is an acceptable definition, and in accordance with Fig. 1 of the drawings of this application, the thin film electrodes 7 are provided, on a position of the substrate on which the light emitting elements 2 and 3 are mounted, in an interval or position separating the two light emitting elements 2 and 3. However, by the present amendment, claim 8 has been amended to recite "wherein a plurality of thin film electrodes for electrical connection of the two light emitting elements are provided on the surface of the substrate on which the two light emitting elements are mounted in a region of the surface of the substrate between the two light emitting elements, the region being in an area of the surface of the substrate at least delimited by the perpendicularly arranged optical axes of the two light emitting elements and circumferences of the surface of the substrate on which the two light emitting elements are mounted". As shown in Figs. 1 of the drawings of this application, for

example, optical axis 1 and optical axis 2, which are perpendicular to one another, together with the circumferences of the surface of the substrate 1 on which the light emitting elements 2 and 3 are mounted, delimit an area which is substantially rectangular, and in which the electrodes 7 are provided in the region where the light emitting elements 2 and 3 are separated from one another. Thus, applicants submit that claim 8 recites structural features as illustrated in Fig. 1 and various other drawings of this application, which features are not disclosed or taught by the cited art as will become clear from the following discussion.

Additionally, by the present amendment, new dependent claim 15 has been presented which defines the feature that the area has a substantially rectangular shape with the perpendicularly arranged optical axes forming two adjacent sides and the circumferences of the surface of the substrate forming another two adjacent sides of the substantially rectangular shape, as clearly illustrated in Fig. 1 and the other drawings of this application.

The rejection of claim 8 under 35 US 103(a) as being unpatentable over Ishihara (US Patent No. 5,978,404) in view of Nakamura et al (US Patent No. 6,985,424B1) is traversed insofar as it is applicable to claim 8, as amended, and the dependent claims and reconsideration of the rejection is respectfully requested.

The Examiner recognizes that “Ishihara fails to disclose any electrode on the same surface as the light emitting elements.” (emphasis added). The Examiner contends however, that Nakamura et al “discloses an optical element formed on one substrate, including light emitting elements as well as a prism wherein a plurality of thin film electrodes for electrical connection of the two light emitting elements are provided on the surface of the substrate on which the two light emitting elements are mounted in a region between the two light emitting elements (see Fig. 3a, elements

33 and 34).” (emphasis added). Applicants submit that the Examiner mischaracterizes the disclosure of Nakamura et al.

Looking to Figs. 3(a) and 3(b) of Nakamura et al, while the Examiner refers to elements 33 and 34 as electrodes, in accordance with the disclosure of Nakamura et al, light emitting elements in the form of semiconductor laser chips 4a and 4b are mounted on a mount surface 2 for laser chips, which mount surface 2 extends in parallel to the surface of the semiconductor plate 1, and is formed by engraving the surface of the semiconductor surface in the plate 1 in the depth of approximately 30µm to 100µm by etching processing or the like as described in column 7, lines 25 - 30 of Nakamura et al and illustrated in Fig. 3(b). Thus, assuming arguendo that elements 33 and 34 represent electrodes, such electrodes are provided on the surface of the plate 1 are not “provided on the surface of the substrate on which the two light emitting elements are mounted” as recited in claim 8, which would be the mount surface 2 in Nakamura et al, noting that in the present invention, the surface of the substrate on which the light emitting elements are mounted has a thickness greater than the thickness of the another surface of the substrate on which the at least one prism is mounted, as recited in claim 8. In this regard, applicants submit that it is not seen that the mirrors of Nakamura et al represent a prism mounted on another surface of the substrate. Additionally, the structural arrangement of Nakamura et al is contrary to that disclosed in Ishihara, in that the light emitting elements 4a and 4b have optical axes which extend in parallel to one another, which is contrary to the recited features of claim 8, which require “the optical axes of the two light emitting elements being arranged perpendicular to each other and intersecting each other”. (emphasis added). Furthermore, irrespective of the contentions by the Examiner, Nakamura et al does not overcome the deficiencies of

Ishihara as recognized by the Examiner and the electrodes 33 and 34 of Nakamura et al are not provided on the surface of the substrate 2 on which the two light emitting elements 4a and 4b are mounted, but rather, are provided on the surface of the semiconductor plate 1 which has not been etched, and cannot be considered to be in a region of the surface of the substrate 2 between or in a interval or position separating the two light emitting elements 4a and 4b in accordance with Fig. 3(a) and 3(b) of Nakamura et al.

Furthermore, the combination of Ishihara and Nakamura et al does not disclose or teach a plurality of thin film electrodes being provided in a region of the surface of the substrate between the two light emitting elements, the region being in an area of the surface of the substrate at least limited by the perpendicularly arranged optical axes of the two light emitting elements and circumferences of the surface of the substrate on which the two light emitting elements are mounted. As recognized by the Examiner, Ishihara does not disclose such features, and it is apparent that Nakamura et al also fails to disclose or teach the aforementioned recited features of claim 8, as amended. Accordingly, applicants submit that claim 8 patentably distinguishes over this proposed combination of references in the sense of 35 USC 103 and should be considered allowable thereover.

With respect to dependent claim 15, applicants submit that the combination of Ishihara and Nakamura et al fail to disclose that the area has a substantially rectangular shape with the perpendicularly arranged optical axes forming two adjacent sides and the circumferences of the surface of the substrate forming another two adjacent sides of the substantially rectangular shape, which feature is illustrated in Fig. 1 and other figures of the drawings of this application. Thus, claim 15, when considered in conjunction with parent claim 8, further patentably


distinguishes over the cited art in the sense of 35 USC 103 and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.43301X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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